

BEFORE THE
POSTAL REGULATORY COMMISSION
WASHINGTON, DC 20268-0001

Complaint on Changes in Retail Hours

Docket No. C2014-1

DOUGLAS F. CARLSON
COMPLAINT ON CHANGES IN RETAIL HOURS
AND EMERGENCY REQUEST FOR INJUNCTIVE RELIEF [ERRATUM]

May 8, 2014

NAME AND ADDRESS OF COMPLAINANT

1. Complainant is Douglas F. Carlson, PO Box 191711, San Francisco CA 94119-1711.

CHANGE IN THE NATURE OF POSTAL SERVICES

2. In 2010, the Postal Service revised section 126.42 of the *Postal Operations Manual* to provide, in pertinent part, "If the needs of the community have changed, the postmaster should use recent Window Operations Survey (WOS) reports as well as customer feedback to determine if a change in service hours should be considered. If the postmaster determines a change in service hours are warranted, he/she must obtain approval." Postal Bulletin 22289 at 9 (7-15-10).

3. Effective August 23, 2012, the Postal Service revised POM section 126.42 and removed the sentence quoted in paragraph 2. Postal Bulletin 22344 at 16–18 (8-23-12).

4. Removing the sentence quoted in paragraph 2 constituted a change in the nature of postal services that generally affected service on a nationwide or

substantially nationwide basis within the meaning of 39 U.S.C. § 3661(b) because the revised section 126.42 eliminates the nexus between retail hours and the needs of the community.

5. Section 3661(b) required the Postal Service to seek an advisory opinion from the Commission within a reasonable time prior to implementing the change to POM section 126.42 quoted in paragraph 2.

6. The Postal Service did not seek an advisory opinion from the Commission prior to implementing the change to POM section 126.42 quoted in paragraph 2.

7. Section 3662(a) permits an interested person to lodge a complaint with the Commission when the Postal Service fails to comply with the requirement in section 3661(b) to seek an advisory opinion from the Commission.

INADEQUATE AND INEFFICIENT SERVICE

8. Section 3661(a) requires the Postal Service to provide adequate and efficient postal services.

9. The *Postal Operations Manual* prescribes policies and processes that, if followed, help to ensure that postal operations comply with section 3661(a).

10. The language quoted in paragraph 2 helped to ensure that retail hours provided adequate and efficient postal services by allowing changes in service hours only when the needs of the community had changed and by advising the postmaster to consider customer feedback.

11. By eliminating the language quoted in paragraph 2, the Postal Service no longer has a policy or practice to ensure that retail hours provide adequate and efficient postal services.

12. The Postal Service is not providing adequate and efficient retail hours in many communities in the United States.

CHANGES IN RETAIL HOURS IN THE SAN FRANCISCO DISTRICT

13. POM section 126.42 provides, “The postmaster is responsible for informing customers 30 days in advance of any change in hours of operation by posting temporary signs on the entrance doors. These temporary signs should identify the nearest Post Office that can provide retail service outside of the new hours of operation.”

14. On April 1, 2014, a sign appeared on the door of Rincon Center Station in San Francisco, California, announcing that retail hours will end at 5 PM beginning April 21, 2014. The current closing time for the retail window is 6 PM on weekdays. The Postal Service may have posted similar signs at other post offices, stations, or branches in the San Francisco District on or about April 1, 2014, or may have had a plan to change retail hours at other post offices, stations, or branches in the San Francisco District without providing customers at least 30 days notice.

15. Complainant faxed a letter to David B. Stowe, district manager of the San Francisco District, on April 2, 2014. Exhibit 1.

16. On April 4, 2014, the Postal Service posted new signs at Rincon Center Station announcing that retail hours will end at 5 PM on May 4, 2014.

17. The Postal Service plans to end retail hours at 5 PM at more than 25 post offices, stations, and branches in the San Francisco District, including 18 stations in San Francisco, on May 4, 2014.

18. No signs in the San Francisco District comply with the requirement in POM section 126.42 to inform customers of the location of the nearest post

office that can provide retail service outside the new hours of operation at the affected facility, even though post offices meeting this description exist.

19. At the Mountain View post office, where retail hours will change to 5 PM on May 4, 2014, no signs notifying customers of changes in retail hours were visible in the self-service or box lobby on April 11, 2014.

20. At Excelsior Station in San Francisco, no signs notifying customers of changes in retail hours effective May 4, 2014, were visible from outside the station through the plentiful glass windows of the locked box lobby on April 12, 2014.

21. At Gateway Station in San Francisco, signs notifying customers of changes in retail hours effective May 4, 2014, were not posted until April 7, 2014, after Complainant inquired about the absence of signs.

22. At Irving Street Station in San Francisco, and possibly other post offices, stations, and branches in the San Francisco District, the change in retail hours will further restrict the hours during which post office box customers can access post office boxes to retrieve mail. Starting May 4, 2014, most box lobbies in San Francisco will close by 6 PM, if not earlier.

23. The changes in retail hours in the San Francisco District will reduce the hours during which post office box customers can pick up mail from the retail window for which a pickup notice was left in their box (e.g., for Certified or Registered Mail, postage-due mail, and articles too large to fit in their box or any available parcel locker).

24. Post office box customers at many post offices, stations, and branches in the San Francisco District pay “competitive” box fees. See Postal Bulletin 22328 at 13–30 (1-12-12).

25. Expanded lobby access is a feature of “competitive” post office boxes. See Postal Bulletin 22301 at 47 (12-30-10).

26. At some of the post offices, stations, and branches in the San Francisco District where the Postal Service plans to end retail service at 5 PM on weekdays, the Postal Service also plans to change the final collection time to 5 PM on May 4, 2014. The Postal Service did not measure the volume of mail that customers deposit for collection between 5 PM and the current closing time of the retail window or between 5 PM and the current final collection time, nor did the Postal Service consider or evaluate the needs of customers for a collection time after 5 PM.

27. The Postal Service did not adequately and sufficiently consider the needs of customers before announcing plans to end retail service at 5 PM on weekdays at more than 25 post offices, stations, and branches in the San Francisco District.

28. The Postal Service did not adequately and sufficiently consider the needs of customers after announcing plans to end retail service at 5 PM on weekdays at more than 25 post offices, stations, and branches in the San Francisco District. See, e.g., Exhibit 1, which depicts the April 11, 2014, response from David B. Stowe to Complainant’s April 2, 2014, letter.

29. The Postal Service’s plan to end retail service at 5 PM on weekdays at more than 25 post offices, stations, and branches in the San Francisco District, and to change the collection time to 5 PM at some of these 25 post offices, stations, and branches, will not provide customers adequate and efficient postal services.

REMEDIES REQUESTED

30. Pursuant to 39 U.S.C. § 3662(c), Complainant requests an order from the Commission requiring the Postal Service to:

- A. Amend POM section 126.42, or otherwise promulgate a policy, to require postal officials, prior to changing retail hours, to evaluate and meet the needs of customers and obtain and consider feedback from customers;
- B. Suspend or cancel its current plan to change retail hours and collection times at post offices, stations, and branches in the San Francisco District until after the Postal Service evaluates the needs of customers, obtains and considers feedback from customers, and reasonably determines that any planned changes will meet the needs of customers for retail service, collection service, and access to post office boxes.

EMERGENCY REQUEST FOR INJUNCTIVE RELIEF

31. The Postal Service's plan to change retail hours, collection times, and hours of access to the box lobby will inflict irreparable harm on customers in the San Francisco District by depriving them of the postal services that they need. The plan also will require them to make costly and disruptive changes to their business and mailing practices. The Postal Service did not provide the appropriate level of public notice because the Postal Service did not post signs containing the required information for the required number of days. In addition, Complainant is reasonably likely to prevail on the merits of this complaint. Therefore, Complainant requests that the Commission grant emergency injunctive relief preventing the Postal Service from implementing any changes in retail hours in the San Francisco District until the Commission has resolved the issues in this complaint.

ADDITIONAL INFORMATION REQUIRED BY COMMISSION RULES

32. Business and individual customers alike rely on retail services to purchase stamps, to mail letters, flats, parcels, and accountable mail, to

purchase money orders, and to deposit mail for collection, including large volumes of mail that would be impossible or impractical to deposit in collection receptacles. Business and retail customers rely on late afternoon collections to send mail that they prepared during the day and to avoid the need to use expedited services to achieve delivery on a particular day. Convenient access to postal services affects the cost and efficiency of business for senders and recipients. (39 C.F.R. § 3030.10(a)(3))

33. The issues described in this complaint affect a wide variety and large number of postal customers in areas where the Postal Service is changing retail hours. (39 C.F.R. § 3030.10(a)(4))

34. Data from the POS One retail terminals should provide evidence of the needs of customers for postal services during each time period of the day. This evidence should identify the needs of customers during the time periods that a change in retail hours would affect and allow a comparison of customer needs during those hours with customer needs during other hours of the day. (39 C.F.R. § 3030.10(a)(5))

35. Data from the Product Tracking System or a similar system indicating acceptance scans of certain bar-coded parcels and other mail should identify the volume and types of mail accepted for collection during the time periods that a change in retail hours would affect. (39 C.F.R. § 3030.10(a)(5))

36. Complainant was unable to obtain probative data from the Postal Service under the Freedom of Information Act (FOIA) prior to filing this complaint because FOIA allows an agency 20 working days to respond. In addition, when Complainant requested POS One data on September 28, 2011, after the Postal Service announced a plan to change the opening time of the retail window at Rincon Center Station, the Postal Service refused to disclose the records. This

matter is the subject of a pending complaint in U.S. District Court.¹ (39 C.F.R. § 3030.10(a)(6))

37. The issues presented herein are not pending in and have not been resolved by an existing Commission proceeding or a proceeding in any other forum in which Complainant is a party. (39 C.F.R. § 3030.10(a)(7))

Respectfully submitted,

Dated: April 30, 2014

DOUGLAS F. CARLSON

CERTIFICATIONS

I certify that I sent a request to meet and confer by mail and facsimile to General Counsel and Executive Vice President Thomas J. Marshall on April 5, 2014. I did not receive a response until I followed up by sending an e-mail message to *prccomplaints@usps.gov* on April 21, 2014. The parties have not been able to resolve the issues in the complaint to date.

I certify that I have this day served the foregoing document upon the Postal Service by sending a copy by e-mail to *prccomplaints@usps.gov*.

April 30, 2014

DOUGLAS F. CARLSON

¹ *Carlson v. U.S. Postal Service*, N.D. Cal, Civil Action, File No. 13-06017.

EXHIBIT 1

PO Box 191711
San Francisco CA 94119-1711
April 2, 2014

VIA FACSIMILE — 415-550-5699

Mr. David Stowe
District Manager
United States Postal Service
San Francisco District
PO Box 885050
San Francisco CA 94188-5050

Dear Mr. Stowe:

On April 1, 2014, a sign appeared on the entrances to Rincon Finance Station in San Francisco announcing that retail hours will end at 5:00 PM effective April 21, 2014. Rincon Finance Station currently offers retail window service until 6:00 PM on weekdays.

This notice is defective because section 126.42 of the *Postal Operations Manual* requires the Postal Service to provide **30 days notice** to customers before changing retail hours. In addition, according to POM section 126.42, the notices posted on entrance doors should identify the locations of post offices that provide service after the new closing time of Rincon Finance Station. The current notice provides no such information.

I request, first, that you delay any changes in retail window service hours at Rincon Finance Station until you have provided customers with the notice that POM section 126.42 requires. The 30-day notice is critical to allow customers time to adjust business and mailing processes and to ask the Postal Service to reconsider the plan, contact their elected representatives, or otherwise seek redress.

Second, I protest this change in service hours. Rincon Finance Station is the only station in the greater financial district that provides postal services after 5:30 PM on weekdays. As one of more than 1,500 boxholders, I visit this station every day, usually between 5:45 and 6:00 PM. I obtained my post office box at this location in 2004 in reliance on the long window and lobby hours. I work across town, in San Francisco's Sunset District, and I live near Gateway Station. If retail window service at Rincon Finance Station ends at 5:00 PM, I will be unable to visit this station on any weekday during service hours to pick up items for which a call slip has been placed in my box. I pay "competitive" rates for my box, but I will experience a significant loss in value if I cannot pick up items from the window on weekdays. Few other stations in San Francisco provide adequate box lobby hours and could serve as reasonable substitutes to Rincon Finance Station, which offers

boxholders 24-hour access to the box lobby via a keypad entry system. For example, I would have obtained box service at Gateway Station in 2004, but the box lobby closes at 5:30 PM. I am never home early enough to visit this station during open hours. On Saturdays, the station does not allow customers to pick up mail for which the Postal Service has left a call slip in the box.

During my daily visits to Rincon Finance Station, I observe a steady stream of customers, including many business customers, who come to the station after 5:30 PM to drop off mail. Many customers deposit mail on the counters at the retail window, in the lobby drop, and in the APC parcel chute. Customers from nearby law firms and other businesses bring significant quantities of metered Certified Mail to the window. The clerks do not always scan in these items, so much of this customer activity to drop off mail may not be recorded in postal data systems such as POS One. This change in service hours would negatively and significantly affect many customers. POM section 126.41 requires retail hours to meet the needs of customers and the local community.

As a regular boxholder and retail customer at this station, I am confident that the Postal Service has not adequately evaluated the needs of its customers before announcing this change in service hours. If the Postal Service must reduce retail hours, I suggest that you examine the possibility of opening Rincon Finance Station later than 7:30 AM. Service hours at the end of the workday may benefit customers more than service hours early in the morning.

I encourage you to assess the needs of customers by, among other means, conducting a survey and asking customers to evaluate various options for retail hours. Online survey tools are inexpensive and readily available. The Postal Service may be able to achieve its goals for changing retail hours at Rincon Finance Station while still meeting the needs of customers. At a minimum, in contrast to the Postal Service's current approach, customers would appreciate the Postal Service's attempt to understand their mailing needs.

I will appreciate a response by April 11, 2014.

Thank you for considering my concerns.

Sincerely,



Douglas F. Carlson

cc: Vice President Dean Granholm
Headquarters Retail Operations
Postal Regulatory Commission

DISTRICT MANAGER
SAN FRANCISCO DISTRICT



April 11, 2014

Douglas Carlson
PO Box 191711
San Francisco, CA 94119-1711

Dear Mr. Carlson:

This is in response to your letter concerning the change in retail hours at the Rincon Finance Station located at 180 Steuart Street, San Francisco, California.

On April 4, 2014, the Rincon Finance Station re-posted a sign at the entrances announcing the retail hours will end at 5:00 PM effective May 4, 2014. I appreciate your recommendations and suggestions in evaluating the needs of the postal customers.

Thank you for the opportunity to address this matter with you.

Sincerely,

A handwritten signature in black ink, appearing to read "David B. Stowe", with a long horizontal flourish extending to the right.

David B. Stowe
District Manager
San Francisco District